

ORIGINAL

EMMETT E. LEE LOY , #5689  
758 Kapahulu Avenue, #429  
Honolulu, Hawaii 96816  
Telephone No. 922-0455  
Facsimile No. 922-0422

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 09 2006

at 1 o'clock and 35 min. P M  
SUE BEITIA, CLERK

Attorney for ROBERT TOMASZYCKI

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00120DAE-02
	)	
Plaintiff,	)	DEFENDANT ROBERT
	)	TOMASZYCKI'S FIRST
vs.	)	SUPPLEMENT TO HIS
	)	SENTENCING STATEMENT;
ROBERT TOMASZYCKI,	)	EXHIBIT "A;" and
	)	CERTIFICATE OF SERVICE
Defendant.	)	
	)	Sentencing Hearing Date:
	)	March 2, 2006
	)	Time: 1:30 P.M.
	)	Judge: Hon. David Alan
	)	Ezra

**DEFENDANT ROBERT TOMASZYCKI'S FIRST SUPPLEMENT TO  
HIS SENTENCING STATEMENT**

The Defendant Robert Tomaszycski ("Tomaszycki") respectfully files the following First Supplement to statements and objections previously filed on July 25, 2005, by his then defense counsel, Dana S. Ishibashi, ESQ., in response to the draft Presentence Investigation (PSI) Report of U.S. Probation Officer Devon I. Peterson dated July 11, 2005, and revised on August 9, 2005:  
First Supplemental Objection:

Pg. 7, paragraph #20, states in pertinent part as follows:

"...[i]nvestigators recovered 24.3 grams (gross weight) of d-Methamphetamine HCL...".  
Presentence Investigation Report of U.S. Probation of  
U.S. Probation Officer Devon I. Peterson dated July  
11, 2005, revised August 9, 2005.

Tomaszycki submits that the weight of 24.3 grams of d-Methamphetamine HCL is wrong, because it is actually the weight of the empty zip-lock bag with trace amounts of residue only.

Therefore, Tomaszycski respectfully objects to this factual error and attaches as "Exhbit A," a copy of T3935, Report of Drug Property Collected, Purchased or Seized, signed by Forensic Chemist, James L. Jacobs, and approved by William F. Phillips, dated March 18, 2004.

Tomaszycki has no other objections to the PSI Report.

Respectfully Submitted,



Emmett E. Lee Loy  
Attorney for Defendant  
ROBERT TOMASZYCKI